

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5021, -5022, -5023

ALABAMA AIRCRAFT INDUSTRIES, INC. - BIRMINGHAM,

Plaintiff-Cross Appellant,

v.

UNITED STATES,

Defendant-Appellant,

and

THE BOEING COMPANY,

Defendant-Appellant.

Appeal from the United States Court of Federal Claims in 08-CV-470,
Judge Charles F. Lettow.

ON MOTION

Before **MAYER**, Circuit Judge.

The Boeing Company moves to strike a portion of Alabama Aircraft Industries, Inc. – Birmingham’s reply brief. Alabama Aircraft moves for leave to respond with response attached. Boeing moves for leave to reply with reply attached.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion to strike is deferred for consideration by the merits panel that is assigned to hear this case.
- (2) Copies of this order and the parties’ papers shall be transmitted to the merits panel assigned to hear this case.

